

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STELLITA MARTIN-MCFARLANE, :
Plaintiff, :
: :
v. : : CIVIL ACTION NO. 17-0118
: :
CITY OF PHILADELPHIA, *et al.*, :
Defendants. :
:

ORDER

AND NOW, this 25th day of October 2017, upon consideration of the Motion to Dismiss filed by Defendants the City of Philadelphia, Christopher Cox, and Thomas Doman [Doc. No. 7], the Motion to Dismiss filed by Albert Einstein Medical Center, Albert Einstein Healthcare Network, Albert Einstein Medical Associates, Inc. and the Department of Protective Services [Doc. No. 11], and the responses thereto [Doc. Nos. 10, 12], it is hereby **ORDERED** that:

1. The Motion to Dismiss filed by Defendants the City of Philadelphia, Christopher Cox, and Thomas Doman [Doc. No. 7] is **GRANTED IN PART AND DENIED IN PART** as follows:
 - a. The Motion to Dismiss [Doc. No. 7] is **GRANTED** with respect to the following claims:
 - i. Plaintiff's § 1983 claims for violation of her First and Fourth Amendment rights are **DISMISSED WITH PREJUDICE**.
 - ii. Plaintiff's assault and battery claims are **DISMISSED WITH PREJUDICE**.
 - iii. Plaintiff's false imprisonment claim is **DISMISSED WITH PREJUDICE**.

- iv. Plaintiff's trespass claim is **DISMISSED WITH PREJUDICE**.
- v. Plaintiff's claim for interference with state constitutional rights is **DISMISSED WITH PREJUDICE**.
- vi. Plaintiff's negligence and gross negligence claims against Cox and Doman are **DISMISSED WITH PREJUDICE**.
- vii. Plaintiff's negligent hiring, training, retention, and supervision claim against the City is **DISMISSED WITH PREJUDICE**.

b. The Motion to Dismiss [Doc. No. 7] is **DENIED** with respect to the following claims:

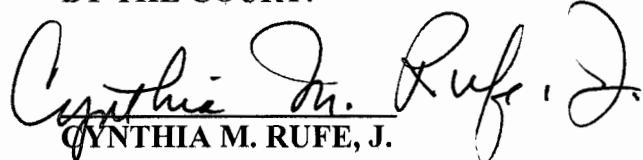
- i. Plaintiff's § 1983 state-created danger claim against Cox and Doman.
- ii. Plaintiff's § 1983 *Monell* failure to train claim against the City.
- iii. Plaintiff's intentional infliction of emotional distress claim against the City, Cox, and Doman.

2. The Motion to Dismiss filed by Albert Einstein Medical Center, Albert Einstein Healthcare Network, Albert Einstein Medical Associates, Inc., and the Department of Protective Services [Doc. No. 11] is **GRANTED**. Claims against these Defendants are **DISMISSED WITH PREJUDICE**.

Defendants the City of Philadelphia, Christopher Cox, and Thomas Doman shall file an answer no later than **November 8, 2017**.

It is so **ORDERED**.

BY THE COURT:



Cynthia M. Rufe, J.
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